

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Request for Clarification)
)
National Association of Regional)
Planning Committees (NARPC) Seeks)
Clarification on The Commission's)
Determination of Primary and Secondary)
use of 4.9 GHz Public Safety Spectrum.)
)
)
)
)
)

WT Docket No. 00-32

Request for Clarification

National Association of Regional Planning Committees
Hereby Submitted March 16, 2006

I. REQUEST FOR CLARIFICATION

The National Association of Regional Planning Committees (NARPC) hereby submits the following Request for Clarification to the Federal Communications Commission ('Commission') on the matter of 4.9 GHz public safety primary and secondary use determination, as outlined in Rule 90.1207 of the Commission's Rules.

II. INTRODUCTION

Public Safety Regional Planning is accomplished across the entire United States and its territories. The Commission has established fifty-five (55) designated planning regions assigned to various states, regions and metropolitan areas with each region having an 800 MHz NPSPAC (FCC Docket 87-112) planning Committee. Separate Regional Planning Committees also exist to administer and develop regional plans in each region for the use of public safety 700 MHz spectrum. While not having authority over its implementation in a region, these 700 MHz planning committees serve as regional advocates and resource for public safety implementation of 4940-4990 MHz spectrum and, should they choose to do so, may develop a regional plan outlining regional guidelines for the implementation of 4940-4990 MHz and file such plan with the Commission.

The National Association of Regional Planning Committees (NARPC), a national advocate organization consisting of regional planning committee members and focused on the continued support of volunteer regional planning committees, requests clarification on the Commission's determination of public safety primary and secondary use of 4940-4990 MHz as outlined in Rule 90.1207.

III. PRIMARY PUBLIC SAFETY USE OF 4940-4990 MHz

Rule 90.1207 outlines the Commission's description of primary and secondary applications in the 4940-4990 MHz band. Rule 90.1207 (c) indicates, "A 4940-4990

MHz band license gives the licensee authority to operate base and mobile units (including portable and handheld units) and operate temporary (1 year or less) fixed stations anywhere within the area authorized by the license.” This is the Commission’s determination of primary use of the band, but the term “fixed” is not totally defined in the context of the 4940-4990 MHz. The term “fixed” is likely being used to reference “fixed point-to-point” applications i.e. microwave backhaul applications. If this interpretation of the term “fixed” is correct, i.e. the term fixed is really meant to indicate “fixed point-to-point”, then it appears the commission intends that temporary traditional backhaul applications are permissible as primary applications using 4940-4990 MHz for up to one year.

Typically, “backhaul” type applications are utilized to create a voice/data transfer path from one physical point to another either within or between jurisdictions and this path does not directly involve or support mobile/portable users or subscribers operating around fixed sites. Traditional microwave backhaul applications are usually associated with voice/data transfer similar to the licensed 6 GHz, 10 GHz and 11GHz microwave bands utilized in Part 101 of the Commissions rules. NARPC agrees with the Commission’s determination that applications of “fixed point-to-point” use of the band on a temporary basis (up to one year) should be considered primary while permanent “fixed point-to-point,” i.e. backhaul, use of the band should be considered secondary to other primary use of the 4940-4990 MHz band.

IV. RECENT PROGRESS ON THE DEVELOPMENT OF IEEE 802.16 OR 802.20 OR OTHER POINT-TO-MULTI-POINT APPLICATIONS SHOULD BE CONSIDERED AS PRIMARY USE OF THE PUBLIC SAFETY 4940-4990 MHZ BAND.

If the term “fixed” in the Commission’s rules in 90.1207 is intended to be solely indicative of “fixed point-to-point” applications, i.e. backhaul use as previously described, then NARPC believes the Commission’s rules for the 4940-4990 MHz band are consistent with the intent for the use of 4940-4990 MHz band outlined in the proceeding under Docket 00-32, and are consistent with the users need for utilization of the 4940-4990 MHz band.

There can, however, be additional use of 4940-4990 MHz by public safety from “fixed” infrastructure, used in a point-to-multipoint manner, which can support future applications, including some IEEE 802.16/802.20 WiMAX type applications, but which some may interpret as being a “fixed” application which are only allowed secondary status if such “fixed” applications are in place for more than one year. Without clarification of the term “fixed” as being solely applicable to the “fixed point-to-point” or backhaul applications with regard to designation of secondary applications in the 4940-4990 MHz band, interpreting these “fixed point-to-multipoint” applications in operation for more than one year as only being allowed on a secondary basis will seriously hamper the public safety community’s ability to adapt to new, “off the shelf” 802.16/802.20 WiMAX type technologies and

applications. An interpretation differentiating between fixed point-to-point traditional backhaul use and fixed point-to-multipoint use is necessary.

It is the opinion of the NARPC that IEEE 802.16/802.20 WIMAX, or any other point-to-multi-point applications that can benefit public safety in its implementation of 4940-4990 MHz, should fall under the Commission's description of primary applications for the 4940-4990 MHz band as "base and mobile" operations. In the fixed point to multipoint application, portable/mobile users will interact directly with the fixed infrastructure, unlike fixed point-to-point backhaul type applications, where subscribers do not directly interact with the fixed infrastructure in use. The NARPC believes the distinction between primary and secondary "fixed" applications on the 4940-4990 MHz should be based upon whether or not the public safety subscriber units can directly access a fixed point-to-point site or a fixed point-to-multi-point site. To clear up any uncertainty on the part of the public safety community, the Commission should clarify its rules to indicate there was no intention on the part of the Commission to relegate so-called "hot spots", which are "fixed point-to-multipoint" bases, to secondary status.

V. SUMMARY

The NARPC respectfully urges the Commission to provide clarification to its definition of fixed use of the 4.9 GHz public safety band to clearly indicate "fixed point-to-multi-point" applications are afforded primary status as base and mobile operations in the 4940-4990 MHz band. When existing rules can be

misinterpreted by public safety entities due to a less than clear indication whether or not a “fixed” application is secondary or primary, specific applications, in this case “fixed point-to-multipoint” WIMAX type applications, will be underutilized within the public safety community and impede development of necessary and appropriate broadband technologies and associated applications.

Respectfully submitted,

/s/

Stephen T. Devine

Chair – National Association of Regional Planning Committees

Chair – FCC Region 24, NPSPAC 700 MHz Regional Planning Committees

March 16, 2006